

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHNNY M. HUNT,

Plaintiff,

v.

SOUTHERN BAPTIST CONVENTION;
GUIDEPOST SOLUTIONS LLC; and
EXECUTIVE COMMITTEE OF THE
SOUTHERN BAPTIST CONVENTION,

Defendants.

Case No. 3:23-cv-00243

Judge Campbell

Magistrate Judge Frensley

MOTION FOR LEAVE TO FILE UNDER SEAL

Pursuant to Rules 5.03 and 7.01 of the Local Rules, the Court’s November 22, 2023 Order (ECF Doc. No. 76) and the Second Amended Agreed Protective Order previously entered in this action (ECF Doc. No. 153), Defendant Guidepost Solutions LLC (“Guidepost”) respectfully requests that the Court grant leave to file under seal Exhibit 1 to the Response of Defendant Guidepost Solutions LLC to Plaintiff’s Motion to Reconsider April 4, 2024 Order Regarding Text Messages.

ARGUMENT

“[T]rial courts have always been afforded the power to seal their records when interests of [the litigant’s] privacy outweigh the public’s right to know.” In re Knoxville News-Sentinel Co., 723 F.2d 470, 474 (6th Cir. 1983). The right of public access to judicial records is presumed, but it is “not absolute.” United States v. Beckham, 789 F.2d 401, 419 (6th Cir. 1986) (quoting Nixon v. Warner Commc’ns, Inc., 435 U.S. 589, 598 (1978)). Under Local Rule 5.03 and Sixth Circuit

law, a party may overcome this presumption by showing (1) a “compelling reason why certain documents or portions thereof should be sealed,” and (2) that “the seal itself [is] narrowly tailored to serve that reason.” Rudd Equip. Co. v. John Deere Constr. & Forestry Co., 834 F.3d 589, 593-94 (6th Cir. 2016) (citations omitted). In determining the appropriateness of sealing court records the Court may consider, among other things, “the privacy rights of participants or third parties, trade secrets, and national security.” Id. at 593. Cf. Shane Grp., Inc. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 308 (6th Cir. 2016) (identities of minor victim of sexual assault included among categories of information that overcome the presumption of access) (citation omitted)).

The limited information that Guidepost refers to concerns the identity of a witness, namely, the husband of Jane Doe, who is the accuser of Plaintiff Johnny M. Hunt. The witness’s name is mentioned on one page of the exhibit, and Guidepost has therefore designated that page in the version of the exhibit to be sealed as Highly Confidential – Attorney’s Eyes Only. As previously explained to this Court, in its Engagement Letter with the SBC, Guidepost undertook to protect survivors and witnesses, which, in turn, informed this Court’s November 22 Order, the entry of the Amended Protective Order (ECF Doc. No. 83) and the subsequent entry of the Second Amended Protective Order.

To comply with the November 22 Order and the restrictions of the Second Amended Agreed Protective Order, Guidepost respectfully submits that it should be allowed to file the aforementioned exhibit under seal. Apart from the redaction of the witness’s name, a redacted version of the exhibit is otherwise publicly filed with Guidepost’s Response. Guidepost’s requested seal is therefore “narrowly tailored” to keep only the highly confidential information under seal while allowing the public to view all the non-confidential information in the concurrently filed redacted versions. Rudd Equip., 834-F.3d at 593-94.

CONCLUSION

For the reasons set forth above, Guidepost respectfully requests that the Court grant this motion and direct the clerk to seal the unredacted Exhibit.

Respectfully submitted,

/s/ John R. Jacobson

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served through the Court's electronic filing system on the following:

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on this 7th day of May, 2024.

By: /s/ John R. Jacobson
